Remarks

The Examiner rejected claims 27 and 28 under 35 USC 112 for insufficient antecedent basis. Applicant amended claim 27 to obviate the rejections.

The Examiner rejected claims 1-8, 16-17, 25-28 under 35 USC 102 as being anticipated by U.S. Pat. No. 6,185,681 ("Zizzi"). Based on the foregoing amendments and following remarks, Applicant respectfully submits the claims are allowable over Zizzi.

Claims 1-8 and 16-17 require a file that includes an encrypt key for encrypting data files and that the file itself is also encrypted. Zizzi does not disclose encryption of a file that has an encrypt key used to encrypt data files. Zizzi encrypts the data files themselves using an encryption key value, which is obtained by an encryption key name. The encryption key name does not encrypt the data files. See col. 9, lines 20-32. Zizzi does not encrypt the encryption key value. Because Zizzi merely discloses encryption, whereas Applicant more particularly claims a file that is used to hold a key for encrypting a data file and that the file itself is also encrypted, Applicant respectfully requests that the rejections to claims 1-8 and 16-17 with respect to Zizzi be withdrawn.

Claims 25-28 require that the decryption of data files occur in memory, meaning no temporary files are created that may be unencrypted and later retrieved by an unauthorized user. Applicant's invention guards against creating unencrypted files while encrypting or decrypting protected files. Zizzi does not disclose any step for decrypting a

data file in memory and, therefore, the rejections to claims 25-28 with respect to Zizzi should be withdrawn.

The Examiner rejected claims 9-15 under 35 USC 103 as being unpatentable over Zizzi in view of U.S. Pat. No. 6,314,190 ("Zimmerman"). Claims 9-15 are dependent claims dependent upon claim 1, which should be allowed in view of the above reasons. Therefore, claims 9-15 should also be allowed.

The Examiner rejected claims 18-24 and 29-34 under 35 USC 103 as being unpatentable over Zimmerman in view of the prior art. Based on the foregoing amendments and following remarks, Applicant submits claims 18-24 and 29-34 are allowable over the combination of Zimmerman and the prior art.

Claims 18-24 and 32-34 require a first storage device having a data file stored on it, a second storage device located remotely from the first storage device, and a program for copying the data file from the first storage device to the second storage device.

Zimmerman does not teach or suggest a program for copying a data file from a first storage device to a remotely located second storage device for storing the data file. Applicant concedes that storage devices located in tandem or in the same location as the computer having the program executing thereon are known in the art but not a program having the ability to store a file on a second storage device that is remotely located from a first storage device, and where the file was originally stored on the first storage device.
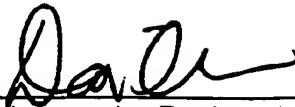
The ability for the program to save data on a remotely located second storage device reduces the likelihood of the data being lost in the event a destructive event, such as a fire, occurs at the location of the computer. The prior art shows a storage device being in the same location as the computer and program executing thereon for storing data. However, if a fire occurs at the location of the computer, any backed up data on the storage device would be lost. Therefore, Applicant's invention has a remotely located second storage device for saving data in a separate location than the first storage device or the computer. Zimmerman or any of the prior art storage devices do not teach or suggest Applicant's program for copying a data file from a first storage device to a second storage device and where the second storage device is located remotely from the first storage device.

Therefore, even a combination of Zimmerman and the prior art would not arrive at Applicant's claimed invention absent some modification to the combination. For a rejection to be proper under 35 USC 103, there must be some teaching or suggestion in the references to make the suggested modification. Because neither Zimmerman nor the prior art relate to a program having the ability to store a file on a second storage device that is remotely located from a first storage device, and where the file was originally stored on the first storage device, there is no motivation for one skilled in the art to make the suggested modification to the references. Hence, the rejections to claims 18-24 and 32-34 with respect to Zimmerman and the prior art should be withdrawn.

Claims 29-31 require generating a file, a randomized password be created based on a size of the file and a list of possible passkey components, and then using the randomized password to encrypt the file. Zimmerman relates to a random key being used to encipher, or convert, plain text files to encrypted messages. See col. 6, lines 33-45. Like Zizzi, Zimmerman does not relate to generating a file, then creating a randomized password based on, among other components, a size of the file, and then using the randomized passkey to encrypt the generated file. Like Zizzi, Zimmerman merely encrypts a data file and nothing more, never mind generating a file and then encrypting that file with a randomized password.

Therefore, even a combination of Zizzi and Zimmerman would not arrive at Applicant's claimed invention absent some modification to the combination. For a rejection to be proper under 35 USC 103, there must be some teaching or suggestion in the references to make the suggested modification. Because neither Zizzi nor Zimmerman relate to generating a file, then creating a randomized password based on, among other components, a size of the file, and then using the randomized passkey to encrypt the generated file, there is no motivation for one skilled in the art to make the suggested modification to the references. Hence, the rejections to claims 29-31 with respect to Zizzi and Zimmerman should be withdrawn.

Respectfully submitted,

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